

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Cr1.MC.No. 1247 of 2004 (A)

CC.195/2002 of CHIEF JUDICIAL MAGISTRATE'S COURT, THODUPUZHA
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PETITIONER/2ND ACCUSED

JESSY JOSEPH, W/O.JOSEPH,
VELLATHOTTATHIL, CHETHIMATTOM,
MEENACHIL TALUK.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS/STATE & COMPLAINANT

1. STATE OF KERALA, REP: BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. TOMY, S/O.MATHEW,
KATHALIKKADU, KARIKKODE VILLAGE,
THODUPUZHA.

R2 BY ADV. SRI.THAMPAN THOMAS
SRI.PRAMOD JOHN

R1 BY PUBLIC PROSECUTOR SRI K.C.SANTHOSH KUMAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. HEMA, J.

CRL.M.C.No. 1247 OF 2004

Dated this the 10th day of August, 2007

O R D E R

Petitioner is the 2nd accused in a complaint filed by the 2nd respondent before the Chief Judicial Magistrate's Court, Thodupuzha. The offences alleged are under Sections 420, 427 and 34 of the Indian Penal Code. As per the allegations in the complaint, the complainant and the accused were friends and an amount of Rs.2,00,000/- was borrowed by the accused from the complainant on 20/8/2002. The accused, on receipt of the amount, drew a cheque dated 17/9/2002 drawn on a bank and entrusted the same with the complainant. Complainant was made to believe that there is money in the account and that the complainant will receive the money from the bank. But on sending the cheque for collection, it was returned with an endorsement "account closed". The account was closed even prior to the issuance of the cheque. The accused have thus, allegedly cheated the complainant by issuing a cheque after closing the account.

2. Learned counsel for the petitioner argued that the petitioner is only a housewife and the cheque was signed by the petitioner only because she is

CRL.M.C.No.1247/2004

holding a joint account and that she had no transaction with the complainant. Therefore, according to the petitioner's counsel, no offence is made out.

3. On going through the complaint and on hearing both sides, I do not find that the above argument is sustainable and the proceedings cannot be quashed on the above ground. That fact that the cheque is signed only because the petitioner is having a joint account is no ground to hold that no offence is made out. Nothing more was argued. In the above circumstances, I do not find any ground to interfere with the proceedings, invoking Section 482 of the Code of Criminal Procedure.

Petition is dismissed.

**K . HEMA ,
Judge .**

kcv .